

AMENDED IN SENATE JUNE 25, 2003

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 1245**

**Introduced by Assembly Member Laird**

February 21, 2003

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An act to ~~add Section 9001.5 to amend Sections 9002 and 9004 of the~~ Elections Code, relating to initiatives.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1245, as amended, Laird. Initiatives: Web site posting.

Under existing law, a petition for an initiative or referendum measure may not be circulated for signature until a draft of the measure is submitted to the Attorney General for preparation of a title and summary.

This bill would require ~~that the Attorney General, before an initiative measure is submitted to the Attorney General, its proponents must provide the Secretary of State with a draft and brief description of the measure preparing a title and summary for an initiative measure, to forward the proponent's draft to the Secretary of State.~~ This bill would require that the Secretary of State post the draft measure on the Secretary of State's Web site for a period of 30 days, during which the public would be permitted to post comments concerning the measure. ~~The comments would remain on the Secretary of State's Web site for 60 days following the initial 30-day posting of the draft measure.~~

This bill would permit the proponents of the measure, ~~following the 30-day posting~~ *no earlier than 30 days or more than 120 days after the*

~~draft measure is posted, to submit the measure as the drafted to the Attorney General, to submit a revised draft of the measure to the Attorney General without any subsequent public review, or to submit a revised draft to the Secretary of State direct the Attorney General in writing to prepare a title and summary of the measure as drafted, to prepare a title and summary of a revised draft, or to post a revised draft on the Secretary of State's Web site for an additional 30-day posting period.~~

*This bill would make technical, nonsubstantive changes.*

*This bill would become operative on July 1, 2004.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     ~~SECTION 1.—Section 9001.5 is added to the Elections Code,~~  
2     ~~to read:~~  
3     ~~9001.5.—(a) Before a proposed initiative measure may be~~  
4     ~~submitted to the Attorney General in accordance with Section~~  
5     ~~9002, the proponents of the measure shall provide the Secretary of~~  
6     ~~State with a draft of the measure and a brief description of the~~  
7     ~~measure. The Secretary of State shall post the draft and the~~  
8     ~~description on the Secretary of State's Internet Web site for 30 days~~  
9     ~~to facilitate public comment on the measure. The posting shall~~  
10    ~~include the names of the proponents of the measure.~~  
11    ~~(b) Any person may comment on the draft of the proposed~~  
12    ~~measure through the Secretary of State's Internet Web site. All~~  
13    ~~comments shall be public and shall remain on the Web site for at~~  
14    ~~least 60 days after the close of the initial 30-day posting of the~~  
15    ~~measure.~~  
16    ~~(c) After the draft of a measure has been posted for 30 days, the~~  
17    ~~proponents of the measure may (1) submit the unrevised draft to~~  
18    ~~the Attorney General or (2) revise the draft and submit it to the~~  
19    ~~Attorney General without any subsequent public review under this~~  
20    ~~section. The Secretary of State, however, shall post a revised draft~~  
21    ~~of the measure on the Secretary of State's Internet Web site for~~  
22    ~~another 30 days upon receipt of a written request by the~~  
23    ~~proponents.~~  
24    ~~(d) This section does not apply to referendum measures.~~

1     SECTION 1.   Section 9002 of the Elections Code is amended  
2     to read:

3     9002.   ~~Prior to the circulation of any~~ (a) *Before an initiative*  
4     *or referendum petition may be circulated for signatures, the*  
5     *proponents of the measure shall submit a draft of the proposed*  
6     *measure shall be submitted to the Attorney General with a written*  
7     *request that the Attorney General prepare a title and summary of*  
8     *the chief purpose and points of the proposed measure be prepared.*  
9     ~~The title and summary shall not exceed a total of 100 words.~~

10    The persons presenting the request shall be known as the  
11    “proponents.”

12    The Attorney General shall preserve the written request until  
13    after the next general election.

14    (b) *The proponents shall include with the request payment of a*  
15    *two hundred dollar (\$200) fee, which the Attorney General shall*  
16    *place in a trust fund in the office of the Treasurer. The fee shall be*  
17    *refunded to the proponents if the measure qualifies for the ballot*  
18    *within two years from the date the Attorney General furnishes a*  
19    *summary to the proponents. If the measure does not qualify within*  
20    *that period, the fee shall be immediately paid into the General*  
21    *Fund of the state.*

22    SEC. 2.   Section 9004 of the Elections Code is amended to  
23    read:

24    9004.   (a) (1) Upon receipt of a draft of a petition, the  
25    Attorney General shall *forward a copy of the draft to the Secretary*  
26    *of State. The Secretary of State shall post the draft petition,*  
27    *including the names of its proponents, on the Secretary of State’s*  
28    *Internet Web site for 30 days to facilitate public comment on the*  
29    *measure.*

30    (2) Any person may comment on the draft of the proposed  
31    measure through the Secretary of State’s Web site. All comments  
32    shall be public and shall remain on the Web site for at least 90 days  
33    after the proposed measure is posted.

34    (3) No earlier than 30 days or more than 120 days after the  
35    draft of a measure has been posted on the Secretary of State’s Web  
36    site, the proponents of the measure may direct the Attorney  
37    General in writing to prepare a title and summary of the draft as  
38    originally presented, prepare a title and summary of a revised  
39    draft, or post a revised draft on the Secretary of State’s Web site for  
40    another 30-day review period.

1 (4) *The provisions of subdivision (a) do not apply to referendum*  
2 *measures.*

3 (b) (1) *Upon receipt of the proponent's direction pursuant to*  
4 *subdivision (a) to prepare a title and summary, or, in the case of a*  
5 *referendum measure, upon receipt of a draft of the petition, the*  
6 *Attorney General shall prepare a summary of the chief purposes*  
7 *and points of the proposed measure. The summary shall be*  
8 *prepared in the manner provided for the preparation of ballot titles*  
9 *in Article 5 (commencing with Section 9050), the provisions of*  
10 *which in regard to the preparation, filing, and settlement of titles*  
11 *and summaries are hereby made applicable to the summary. The*  
12 *title and summary shall not exceed a total of 100 words.*

13 (2) *The Attorney General shall provide a copy of the title and*  
14 *summary to the Secretary of State within 15 days after receipt of*  
15 *the final version of a proposed initiative measure, or if a fiscal*  
16 *estimate or opinion is to be included, within 15 days after receipt*  
17 *of the fiscal estimate or opinion prepared by the Department of*  
18 *Finance and the Joint Legislative Budget Committee pursuant to*  
19 *Section 9005.*

20 ~~If~~ *During the 15-day period, the proponents of the proposed*  
21 *initiative measure submit amendments, other than technical,*  
22 *nonsubstantive amendments, to the final version of the measure,*  
23 *the Attorney General shall provide a copy of the title and summary*  
24 *to the Secretary of State within 15 days after receipt of the*  
25 *amendments.*

26 ~~The proponents of any initiative measure, at the time of~~  
27 ~~submitting the draft of the measure to the Attorney General, shall~~  
28 ~~pay a fee of two hundred dollars (\$200), which shall be placed in~~  
29 ~~a trust fund in the office of the Treasurer and refunded to the~~  
30 ~~proponents if the measure qualifies for the ballot within two years~~  
31 ~~from the date the summary is furnished to the proponents. If the~~  
32 ~~measure does not qualify within that period, the fee shall be~~  
33 ~~immediately paid into the General Fund of the state.~~

34 *SEC. 3. This act shall become operative on July 1, 2004.*